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SUBJECT: KOSOVO: DPKO BRIEFING ON UNMIK

11. (SBU) SUMMARY. Assistant Secretary-General for Peacekeeping Operations Edmund Mulet briefed the Security Council on the status of the UN Mission in Kosovo (UNMIK) on April 16 at the request of the Russian Federation. Mulet said that the UN was unable to carry out its interim administration functions due to the changed realities on the ground, and noted recent statements asking UNMIK to leave. He said UNMIK's authority in rule of law matters had been hamstrung by the deployment of the EU Rule of Law Mission (EULEX), and that UNMIK's drawdown would continue. Responding to the briefing, Russia said that Resolution 1244 was fully in force, that the UN should retain adequate resources on the ground to fulfill its mandate, and questioned the efficacy of inviting Kosovo leaders to New York to participate in debates. Ambassador DiCarlo emphasized that the SYG had been completely transparent about his intentions to reconfigure UNMIK in response to the changed realities, including EULEX deployment, and that the Security Council had welcomed the decision. The U.K. added that Resolution 1244 was only in force due to a deadlock in the Council and France reinforced that all parties had consented to EULEX deployment. END SUMMARY.

12. (SBU) Assistant Secretary-General for Peacekeeping Operations Edmund Mulet briefed the Security Council on April 16 on the status of the UN Mission in Kosovo (UNMIK). The Russian Federation had requested the briefing under "Other Business," and according to DPKO, had asked Mulet to give his assessment of whether UNMIK was still able to carry out its mandate under Resolution 1244 (1999) in light of recent actions and statements of Kosovo's leaders. A/SYG Mulet told the Council that the "realities on the ground" had eroded UNMIK's ability to carry out its interim administration functions in Kosovo as mandated by Res. 1244. According to Mulet, Kosovo's leaders had repeatedly asked UNMIK to close its operations, and President Sejdiu had recently called upon countries that had recognized Kosovo to withdraw their staff from the UN mission. Mulet noted that Kosovo's leaders had also said that the Special Representative of the Secretary-General (SRSG), Lamberto Zannier, was "not an enemy", but that he was nevertheless the representative of a mission in the process of closing. According to Mulet, the Kosovo authorities' actions had barred UNMIK from performing several of its mandated functions, but UNMIK still abides by its mandate to the extent that it has effective operational control.

13. (SBU) Mulet also reported that UNMIK's ability to maintain operational control of the security situation had been "hamstrung" by deployment of the EU Rule of Law Mission (EULEX) that had reached full operational capacity on April 16. He said he would keep the Council informed of the cooperation on the ground between local authorities and the EULEX mission. The EULEX deployment, which he said had been made possible by the Security Council's Presidential Statement of November 26, had precipitated the acceleration of the UNMIK drawdown and reconfiguration. Mulet expected

that 500 UNMIK staff would remain after the completion of the drawdown, and they would "continue to play an active role" in areas where the UN still retained operational control.

14. (SBU) Mulet noted that Serbia's president Boris Tadic had sought security protection from UNMIK for a visit to the Visoki Decani monastery to celebrate Orthodox Easter, but that Kosovo authorities had refused to grant permission for Tadic to enter Kosovo. (Note. The Kosovo authorities later decided to allow the visit by Tadic to visit Decani. End Note.)

15. (SBU) Russia, the United States, the United Kingdom, France and China all responded to the A/SYG's briefing, while all other members remained silent. Russian Permrep Vitaly Churkin said that Mulet's briefing confirmed Russia's understanding of the situation in Kosovo, which he described as unhealthy. Churkin criticized recent public statements by Kosovar leaders as "unacceptable" and a "provocation." He reminded the Council that Resolution 1244 is still fully in force, and said UNMIK's continued presence was necessary to ensure the rights of minorities and fulfillment of the standards. Churkin challenged what he characterized as efforts by other Council members to change the responsibilities of UNMIK, and said this signaled a lack of respect for Resolution 1244. Churkin pointedly asked Ambassador DiCarlo after she spoke, whether the United States believed the Kosovars should respect Resolution 1244. Churkin also said he believed it was a "waste of time" to invite the Kosovars to participate in the Council deliberations on UNMIK, since "they say one thing here and they say something different there."

16. (SBU) Ambassador DiCarlo said she was puzzled about why

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the briefing had been requested, since the Council had heard only three weeks earlier from SRSG Zannier and nothing had changed on the ground in the interim. She also stated that the SYG had been clear and transparent with the Council in numerous reports and briefings about his intention "to downsize UNMIK in response to the changed situation on the ground." She reminded the Council that it had been clearly understood that UNMIK's responsibility would be limited to the extent of its effective operational control, and that the Council had welcomed the SYG's report of November 2008, in which he detailed his plans "to adapt the structure and profile of UNMIK to the profoundly changed reality", and stated his intention to accelerate UNMIK's reconfiguration. DiCarlo reminded the Council that in 2007, the majority of members were prepared to do away with UNMIK completely. The situation on the ground, she said, was profoundly different than when Resolution 1244 was adopted, since Kosovo had assumed the status of an independent state.

17. (SBU) The U.K. Deputy Permrep Karen Pierce agreed that it was the responsibility of all states to uphold Security Council decisions, but she stressed that Resolution 1244 was still in effect only due to a deadlock in the Security Council. The realities on the ground had changed, and unfortunately the UN mandate had not been able to change with the realities. Nevertheless, the UN still needed to cope with realities on the ground, and the SYG's decision to reconfigure UNMIK had been a necessary measure. French Deputy Permrep Jean-Pierre LaCroix said that it was up to the Security Council "to end or not to end" the UN mandate, but he reinforced that UNMIK's reconfiguration had received the consent of all parties, as detailed in the November 2008 SYG report. France, he said, had taken note of recent comments by Kosovar leaders, and he hoped that Kosovo would continue to cooperate with UNMIK. Chinese Deputy Permrep Liu Zhenmin reaffirmed China's support of the UN mission as well as Resolution 1244. He acknowledged the positive role of the EU, which he characterized as working in Kosovo within the framework of Resolution 1244.
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